212628US0DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Akiyoshi KAWAOKA et al : Attn: APPLICATION BRANCH

SERIAL NO: NEW U.S. APPLICATION :

FILED: HEREWITH :

FOR: TRANSCRIPTION FACTOR CONTROLLING PHENYLPROPANOID BIOSYNTHESIS PATHWAY

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

In advance of prosecution, please amend the above-identified application as follows.

IN THE SPECIFICATION

Please amend the specification as follows:

Page 11, Table 1, replace the Table in its entirety with the following substitute Table:

Table 1

| Plant | Gene | Common sequence |
|---|---|---|
| Kidney bean | CH515 | -166 TGCCACCAAACTCCTAC (SEQ ID NO:3) |
| | pA1-2 | -135 CTCCACCAACCCCCTTC (SEQ ID NO:4) |
| Parsley | 4CL-1/-2 | - 63 CTTTACCAACCCCCATC (SEQ ID NO:5) |
| | Pal-1 | -193 CTCCAACAAACCCCTTC (SEQ ID NO:6) |
| Arabidopsis | Pa11 | -135 TCTCAACAACTCCTCCT (SEQ ID NO:7) |
| Snapdragon | CHS | -130 TGCCAACTGACCGGTAG (SEQ ID NO:8) |
| Corn | C2 (one of CHS) | -175 ACCCAACTAACCCCGGC (SEQ ID NO:9) |
| Eucalyptus | CAD | -598 ATCCAACAAATAACACA (SEQ ID NO:10) |
| Horseradish | prxC2 | -107 CACCACTTGAGTACAAA (SEQ ID NO:11) |
| | | CCAACAAACCCC (SEQ ID NO:12)<br>C T C T |

Page 17, lines 4-10, replace the text in its entirety with the following:

As the probe for the biding reaction, a common sequence (P-BOX sequence: -CCACTTGAGTAC-) (SEQ ID NO:13) which exists in the 5' -upstream non-translated region of the 4CL gene or PAL gene of kidney bean or PRX gene of horseradish was used. That is, a double-stranded oligonucleotide having the P-BOX sequence was synthesized and it was used after labeled with digoxigenin (DIG).

Please delete the Sequence Listing on pages 32 and 33.

Page 37 (Abstract), after the last line, beginning on a new page, insert the attached substitute Sequence Listing.

IN THE CLAIMS

Please cancel Claims 1, 2 , 5-10 and 19.

Please amend Claim 17 as follows:

--17. An isolated and purified protein encoded by a DNA which comprises SEQ ID NO: 1.--

REMARKS

This Application is a Divisional Application of Serial No. 09/282,146 filed March 31, 1999.

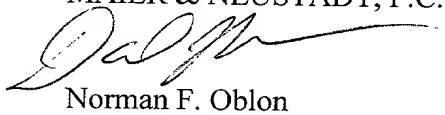
Claims 3, 4 and 11-18 are active in the case. Sequence Identifiers (SEQ ID NO:) have been added to the specification and claims.

The paper copy of the Sequence Listing in this application is identical to the computer readable Sequence Listing filed in application 09/282,146 filed March 31, 1999. In accordance with 37 CFR § 1.821 (e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is attached herewith. No new matter is believed to have been added by the submission of the substitute Sequence Listing and the above-noted amendments.

Applicants submit that the application is now ready for examination on the merits

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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**Marked-Up Copy**
**Serial No.: New U.S. Application**
**Amendment Filed: Herewith**

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--17. (Amended) An isolated and purified protein encoded by a DNA [of Claim 1] which comprises SEQ ID NO: 1.--